

Amendments to the Claims

Please cancel claims 4-21 as filed without prejudice to prosecuting the subject matter of these claims in an application to be filed at a later time.

1. (original) A method of improving glyphosate tolerance in a wheat plant comprising:
 - (1) constructing a DNA construct comprising a first and a second expression cassette, wherein said first expression cassette in operable linkage comprises (i) a rice actin 1 promoter; (ii) a rice actin 1 intron; (iii) a chloroplast transit peptide encoding DNA molecule; (iv) a glyphosate tolerant EPSPS encoding DNA molecule; and (v) a transcriptional terminator DNA molecule; and said second expression cassette comprising in operable linkage (a) a CaMV 35S promoter; (b) a Hsp70 intron; (c) a chloroplast transit peptide encoding DNA molecule; (d) a glyphosate tolerant EPSPS encoding DNA molecule; and (e) a transcriptional terminator DNA molecule; and
 - (2) transforming a wheat cell with said DNA construct; and
 - (3) regenerating said wheat cell into a wheat plant; and
 - (4) treating said wheat plants with an effective dose of glyphosate; and
 - (5) selecting fertile wheat plants that are vegetative and reproductive tolerant to glyphosate.
2. (original) A fertile glyphosate tolerant wheat plant produced by the method of claim 1.
3. (original) The progeny seeds of the glyphosate tolerant wheat plant of claim 2.
4. (canceled)
5. (canceled)
6. (canceled)
7. (canceled)
8. (canceled)
9. (canceled)
10. (canceled)
11. (canceled)

12. (canceled)
13. (canceled)
14. (canceled)
15. (canceled)
16. (canceled)
17. (canceled)
18. (canceled)
19. (canceled)
20. (canceled)
21. (canceled)